

REMARKS

Claims 1-11 are pending in the application. These claims were rejected as follows:

Claims / Section	35 U.S.C. Sec.	References / Notes
10 & 11	Objection	<ul style="list-style-type: none">• 37 CFR 1.75(c) improper dependent form
10	§101	<ul style="list-style-type: none">• Non-statutory subject matter (computer program)
1-5 & 7-11	§102(b) Anticipation	<ul style="list-style-type: none">• Dutcher (U.S. Patent No. 6,021,496).
6	§103(a) Obviousness	<ul style="list-style-type: none">• Dutcher (U.S. Patent No. 6,021,496); and• Win (U.S. Patent No. 6,161,139).

5 Applicants have amended claims 10 and 11 in order to conform to address the claim objections and statutory subject matter issues raised by the Examiner. Applicants have further provided discussion for distinguishing the claims of the application from the art cited against them.

Applicants' use of reference characters below is for illustrative purposes
10 only and is not intended to be limiting in nature unless explicitly indicated.

OBJECTIONS TO CLAIMS 10 AND 11

1. Applicants have amended claims 10 and 11 to be in proper independent form.

In the OA, on p. 2, the Examiner objected to claims 10 and 11 under 37
15 CFR §1.75(c) as being of improper dependent form for failing to limit the subject matter of a previous claim. Accordingly, claims 10 and 11 have been amended to

be in a proper independent form. Applicants respectfully request that the claim objections be withdrawn from the application.

35 U.S.C. §101, CLAIM 10 NON-STATUTORY SUBJECT MATTER

2. *Applicants have amended claim 10 to comprise statutory subject*
5 *matter.*

In the OA, on p. 3, the Examiner rejected claim 10 as being directed to non-statutory subject matter, namely, a computer program. Applicants have therefore amended claim 10 so that it is directed towards a statutory machine as discussed in MPEP §2106.01—a computer. Support for this amendment can be
10 found in paragraphs 0085–0086. Applicants respectfully request that the 35 U.S.C. §101 rejection be withdrawn from the application.

35 U.S.C. §102(b), CLAIMS 1–5 & 7–11 ANTICIPATION BY DUTCHER

3. *Dutcher fails to teach or suggest the last element of the independent*
claims: the method or function being independent of restarting the operating
15 *system or the application program.*

In the OA, on pp. 3–6, the Examiner rejected independent claim 1 as being anticipated by Dutcher and indicated how Dutcher was being read on each of the elements of claim 1.

Given that the primary point of distinction for the present invention can be
20 found in the last claimed element, Applicants will focus their analysis on this element.

With regard to this element, the Examiner cited (on p. 5) Dutcher at 14:17–
38:

Referring now to FIG. 12, a block diagram is shown of the preferred architecture of the present invention. gina module 15' (ibmgina.dll) exports a set of functions 120 (also referred to as Wlx* functions) required to support the WinLogon process. This module also controls the visual elements of the interface including displaying the logon panel, collecting the userid and password from the user, displaying messages, etc. To actually perform the work of authentication, the gina module 15' issues calls to the domain manager 122, which is implemented by dm.dll 124. The domain manager 122 provides the framework that support multiple authentication providers (domain drivers) at the same time. It accepts requests from the gina module ibmgina.dll, determines the appropriate domain driver to handle the request, and then routes the request to the domain driver to actually perform the work. The domain manager 122 also manages dynamically-security context on his or her workstation when logged on to the server. This frees the domain drivers from re-implementing the same function so that they can concentrate on providing code that is unique to the driver."

The Examiner suggested that this portion of Dutcher discloses the last element by his indication, "(i.e. "the method being independent of restarting the operating system or the application program")".

Applicants have amended the independent claims in the application to focus on access to an accessible element that is at least one of an application program and sensitive data. Access to the accessible element is accomplished by a second user after access of the accessible element by a first user without unloading or restarting the accessible element.

Dutcher does not address such a subsequent accessing by a first and second user. Dutcher deals with the issue of obtaining (for a particular user) access authorization where the access authorization may be native (e.g.,

Windows-based in a Windows environment) or non-native (UNIX-based in a Windows environment). It deals with the allocation of processes and procedures associated with a user's logon to a system within a domain. Dutcher deals with the situation of a single user and multiple authentication providers (domain
5 drivers) (14:26–28). Although the system of Dutcher would naturally deal with more than one user, it does not contain any disclosure with respect to the access of applications or application data by multiple users in the context of access authorizations, and contains no disclosure with regard to the maintaining of an application or respective data in memory after use by the first user for use by the
10 second user.

This distinction found in the present invention is not just an obvious variant of what is disclosed in Dutcher, since the present invention advantageously permits much greater speed and efficiency for multiple users with potentially differing levels of authority and access privileges to access the large volumes of
15 data and applications that deal with them typically found within the medical community—a problem that the system of Dutcher fails to address.

For this reason, and based on the claim amendments to the independent claims, Applicants assert that claim 1 and independent claims 10 and 11 are not anticipated by Dutcher, nor are the claims that depend therefrom by virtue of their
20 dependence. Applicants respectfully request that the 35 U.S.C 102 rejection be withdrawn from the application.

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